UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,502	01/04/2002	Robert L. Noonan	COMP:0223 POO-3552	6280

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Intellectual Property Administration
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EXAMINER
SORRELL, ERON J

ART UNIT	PAPER NUMBER
2182	

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/037,502</td><td>Applicant(s)
NOONAN ET AL.</td></tr>
<tr><td>Examiner
Eron J. Sorrell</td><td>Art Unit
2182</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 September 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>04 January 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs

of 35 U.S.C. 102 that form the basis for the rejections under

this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published
> under section 122(b), by another filed in the United States before the
> invention by the applicant for patent or (2) a patent granted on an
> application for patent by another filed in the United States before the
> invention by the applicant for patent, except that an international
> application filed under the treaty defined in section 351(a) shall have the
> effects for purposes of this subsection of an application filed in the
> United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English
> language.

2.   Claims 1,2,6-10,14-18, and 20-22 are rejected under 35

U.S.C. 102(e) as being anticipated by Clark et al. (U.S. Patent

No. 6,233,634).

3.   Referring to claims 1 and 21, Clark teaches a remote

management controller (fig. 1 server controller 26) that snoops

data from a communication bus (expansion bus col. 8 lines 36-55)

comprising: a FIFO (fig. 5 local frame buffer 48) that is

adapted to store data snooped from the communication bus (col. 9

lines 46-5); and an embedded bus master (detection logic 30)

that is operatively connected to the communication bus, the

embedded bus master being adapted to take control of the

communication bus responsive to a signal that the FIFO has

become filled to a predetermined level to prevent the FWO from

being overflowed with snooped data while snooped data stored in

the FIFO continues to be processed (col. 9 line 44 to col. 11

line 18).

4.   Referring to claim 9, Clark teaches a managed server (fig.

1 server 10), comprising:

a video controller (video controller 20) that is operatively

connected to a communication bus (expansion bus); and

        a remote server management controller (server controller

26) that is connected to the communication bus and adapted to

snoop data that is intended for the video controller from the

communication bus (col. 8 lines 36-55), the remote server

management controller comprising:

        a FIFO (fig. 5 local frame buffer 48) that is adapted to

store data snooped from the communication bus (col. 9 lines 46-

50), and an embedded bus master (detection logic 30) that is

operatively connected to the communication bus, the embedded bus

master being adapted to take control of the communication bus

responsive to a signal that the FIFO has become filled to a

predetermined level to prevent the FIFO from being overflowed

with snooped data while snooped data stored in the FIFO

continues to be processed (col. 9 line 44 to col. 11 line 18).

5.   Referring to claims 2,10, and 22 Clark teaches a passive

throttling register that stores a value (col. 7 lines 37-48);

and wherein the embedded bus master takes control of the

communication bus by reading the value and preventing

communication on the communication bus for a time period that

corresponds to the value (col. 9 line 44 to col. 11 line18).

6.   Referring to claims 6 and 14, Clark teaches the value is

stored in the passive throttling register when the remote server

management controller is initialized (col. 10 lines 27-43).

7.   Referring to claims 7 and 15, Clark teaches the value is

updated periodically (col. 22 line 46 to col. 23 line 14)..

8.   Referring to claim 8 and 16, Clark teaches the value is

proportional to a volume of traffic on the communication bus

(col. 22 line 63 to col. 23 line 14).

9.   Referring to claim 17, Clark teaches a method of passively

throttling a communication bus (fig. 4 EISA bus), comprising the

acts of:

    snooping a communication bus (col. 8 lines 36-55);

storing data snooped from the communication bus in a

storage device (col. 9 lines 46-50);

determining if the storage device is filled to a

predetermined level (col. 9 line 44 to col. 11 line 18);

preventing further transfers of data on the communication

bus responsive to the act of determining of the storage device

is filled to a predetermined level (col. 9 line 44 to col. 11

line 18).

10. Referring to claim 18, Clark teaches the method of claim

17, further comprising the acts of: storing a value in a

register (col. 7 lines 37-48); reading the value (col. 9 lines

27-43); and wherein the act of preventing further transfers of

the specific type of data is performed for a time period that

corresponds to the value (col. 9 line 44 to col. 11 line 18).

11. Referring to claim 20, Clark teaches the method of claim

17, wherein the recited acts are performed in the recited order

(col. 8 lines 1-26).

12. Referring to claim 22, Clark teaches the server is

configured to process snooped data stored in the queue while the

bus master is throttling data (see lines 18-51 of column 24).

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

14.   Claims 3-5,11-13,19,23 and 24 are rejected under 35 U.S.C.

103(a) as being unpatentable over Clark in view of Brown (U.S.

Patent No. 6,728,808).

15.   As to claims 3,4,11,12,23 and 24 Clark fails to explicitly

teach a PCI bus and a number of PCI clock cycles. Brown,

however, teaches the communication bus is the PCI bus and the

values are the number of PCI clock cycles (col. 7 lines 24-34).

It would have been obvious to a person of ordinary skill in the

art to have the PCI bus in order to provide a high speed and low

latency bus architecture (col. 1 lines 57-59).

16.   As to claims 5,13, and 19, Clark teaches the embedded bus

master is adapted to take control of the communication bus by

initiating an EISA read transaction on the passive throttling

register (col. 9 line 44 to Ol. l l linel8). Clark fails to

explicitly teach a PCI bus. Brown, however, teaches the PCI bus

(col. 7 lines 24-34). It would have been obvious to a person of

ordinary skill in the art to have the PCI bus in order to

provide a high speed and low latency bus architecture (col. 1

lines 57-59).

Response to Arguments

17. Applicant's arguments filed 9/21/05 have been fully

considered but they are not persuasive. The applicant argues:

1) The detection logic is not configured to take ownership

over a bus thus Clark fails to anticipated claims 1,9, and 17

(see second full paragraph of page 10 of applicant's remarks).

2) Since the detection logic does not take control over a

bus, Clark cannot teach "preventing a FIFO from overflowing" or

preventing further transfers on the communication bus," (see

first full paragraph of page 11 of applicant's remarks).

As per argument 1, the Examiner disagrees. Clark teaches the

detection logic comprises control logic 40 (see figure 4). At

lines 47-50 of column 23), Clark teaches *"Control logic must*

ensure that it will be able to obtain ownership of the

*controller bus...(*emphasis added*)."* This citation teaches the

detection logic is configured to take control over a bus.

As per argument 2, the Examiner disagrees. Clark teaches the

detection logic is configured to take control over a bus as

shown, supra. Clark also teaches "preventing a FIFO from

overflowing" or preventing further transfers on the

communication bus." At lines 10-17 of column 24, Clark teaches

"The EXRDY signal being driven low indicates to the master of

the expansion bus which is currently performing the write cycle

that *the recipient of the write cycle is not ready to receive*

data (emphasis added)." Thus Clark teaches the preventing FIFO

overflow and preventing transfers on the communication bus.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action

is set to expire THREE MONTHS from the mailing date of this

action. In the event a first reply is filed within TWO MONTHS

of the mailing date of this final action and the advisory action

is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will

expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated

from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Eron J.

Sorrell whose telephone number is 571 272-4160. The examiner

can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Kim Huynh can be

reached on 571-272-4147. The fax phone number for the

organization where this application or proceeding is assigned is

571-273-8300.

Information regarding the status of an application may be

obtained from the Patent Application Information Retrieval

(PAIR) system.   Status information for published applications

may be obtained from either Private PAIR or Public PAIR.   Status

information for unpublished applications is available through

Private PAIR only.   For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

EJS
December 7, 2005
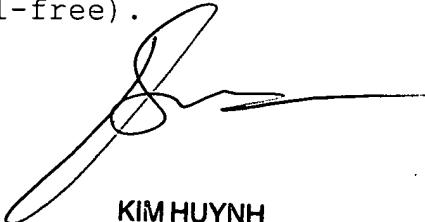
KIM HUYNH
PRIMARY EXAMINER

12/7/05